

REMARKS CONCERNING THE ABOVE AMENDMENTS TO THE CLAIMS

The above amendments have been made in an effort to more clearly define the present invention and to respond to issues raised in the Office Action. Antecedent basis for the amendments to the independent claims (e.g., claims 1, 2 and 3) may be found generally in the specification and, for example, page 50 of the present Application as filed.

SUMMARY OF THE OFFICE ACTION

1. Claims 1-17 have been rejected under the Non-Statutory Ground of Obviousness-Type Double Patenting over at least claim 75 of copending US Application 10/910713 and at least claims 73-74 of copending US Application No. 10/910,799.

These numbers are in error. It is assumed that the correct numbers are 10/764,994 and 10/764,827.

2. Claims 1-16 are rejected under 35 USC 103(a) as unpatentable over Published US Application 20040063482 (Toyoda et al.), alone.

3. Claims 17 is under 35 USC 103(a) as unpatentable over Published US Application 20040063482 (Toyoda et al.), when further considered with US Patent No. 6,731,416 (Hazzard).

RESPONSE TO THE OFFICE ACTION – ARGUMENTS OF APPLICANT

1. Claims 1-17 have been rejected under the Non-Statutory Ground of Obviousness-Type Double Patenting over at least claim 75 of copending US Application 10/910713 and at least claims 73-74 of copending US Application No. 10/910,799. **These numbers are in error. It is assumed that the correct numbers are 10/764,994 and 10/764,827.**

Terminal Disclaimers have been filed with respect to the cited applications. This rejection has been formally removed from the issues in this Office Action.

2. Claims 1-16 are rejected under 35 USC 103(a) as unpatentable over Published US Application 20040063482 (Toyoda et al.), alone.

It is first of importance to evaluate this rejection to view the actual limitations of the claims in comparison with the actual teachings of Toyoda et al.

| CLAIM 1 OF PRESENT APPLICATION | DISCLOSURE OF TOYODA ET AL. REFERENCE |
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| An automated wagering gaming event system comprising: | SAME |
| at least two distinct video displays, a first <u>video</u> display for showing a dealer in a card game and at least a second <u>video</u> display showing playing cards to individual players; | SAME |
| playing cards to individual players; | SAME |
| at least one processor for enabling play of the wagering gaming event; | SAME |
| multiple player positions to enable multiple players to play the game; | SAME |
| wherein <u>the</u> at least one processor <u>is</u> <u>connected to at least two distinct feeds of video information so that the processor can be fed [[feed]] the</u> at least two different multiple video images and merge the at least two multiple video images to form a composite image of a dealer against a background, | Rejection assumes capability in any processor. |
| <u>at least two separate feeds of video image information connected to sources of different video content that are fed into the processor for merging and display on the first video display;</u> | Rejection assumed capability in any processor, but reference does not teach feed from separate image databases. |
| wherein the background comprises at least one dynamic image. | Rejection assumes capability in any processor. |

The rejection essentially asserts that the recitation of the processor functionality is essentially only a recitation of the innate ability of a processor (such as shown by Toyoda et al.) in combination with the multiple viewing screens also shown by Toyoda. The claims have therefore been amended to include structural content of the processor and any essential additional hardware in addition to the elements already claimed.

All independent claims have now been amended so that additional structure used in the enablement of the system and originally disclosed in the Application (generally and, for example, page 50) is recited in the claims. These structural elements added with the amendments recite specific structural features, feeds, connections, live video cameras, software in the at least one processor to merge separate feeds of video information, etc. As the rejection over Toyoda et al. was based upon a concept of inherent capability of the system (asserted to have previously contained no structure that was not taught by Toyoda et al.) and as the claims now do recite structure that is not taught by Toyoda et al. (see the limitations added to the claims), the rejection is in error.

Applicants have reviewed the specification of Toyoda et al. and do not find separate video feeds, do not find disclosure of separate video feeds to a processor, simultaneous feeding of video image data to a processor, software enabling merging of separate video feeds, and the like. The Toyoda et al. reference does not support a rejection of the claimed subject matter under 35 USC 103(a) as it does not disclose the totality of the structure recited in the claims.

3. Claims 17 is under 35 USC 103(a) as unpatentable over Published US Application 20040063482 (Toyoda et al.), when further considered with US Patent No. 6,731,416 (Hazzard).

This rejection must fail for the reasons presented directly above with respect to the rejection of claims 1-16 under 35 USC 103(a) over Toyoda et al. Even if Hazzard does show the structure for which it is cited (the screen guard), it does not show the structural features that have been shown to be absent from Toyoda et al with respect to the claims from which claim 17 depends. This rejection must be withdrawn.

CONCLUSION

All rejections have been shown to be overcome by Terminal Disclaimer or by Amendment. All rejections should be withdrawn, all claims should be allowed and the Application passed to Issue. If the Examiner believes that some issues may be further overcome by an interview with the Attorney of Record (either by telephone or in person), the Examiner is respectfully requested to call the attorney of record at 952.832.9090 (CST) at his convenience.

Respectfully submitted,

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Date: 13 February 2007

By: 

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being sent by facsimile to the US Patent and Trademark Office addressed to: Mail Stop: AMENDMENT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 13 February 2007

Mark A. Litman
Name


Signature